

**Before the  
Federal Communications Commission  
Washington DC 20554**

**In the Matter of** )  
 )  
**Modernizing the E-rate Program** ) **WC Docket No. 13-184**  
**for Schools and Libraries** )

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**American Library Association (ALA)  
Opposition to the Petition for Reconsideration and/or Clarification Filed by WTA –  
Advocates for Rural Broadband, NTCA – The Rural Broadband Association, and the  
National Exchange Carriers Association, Inc. in the above Referenced Proceeding**

The American Library Association (ALA) is the world’s oldest and largest library association—representing over 55,000 members. For the reasons articulated below, we oppose some of the proposals in the Petition for Reconsideration filed by the above Rural Associations.<sup>1</sup>

ALA has long advocated for more coordination between the E-rate program and the Connect America Fund (CAF) program (previously the High Cost program).<sup>2</sup> We anticipate that such coordination will be beneficial to our rural libraries (and schools) who often struggle to get the bandwidth they need at affordable costs. Coordinating these two programs should also result in better and more efficient use of the programs’ universal service funds. Thus we very much support the language adopted in the *Second E-rate Modernization Order (December Order)*<sup>3</sup> which sets a broad framework and establishes more specific regulations on how this coordination is to occur. The Rural Associations also acknowledge support for coordinating the two programs. But their petition makes clear that they object to how the Commission has done this—namely by requiring providers receiving high-cost support to both (1) bid on E-rate broadband requests filed

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<sup>1</sup> Petition for Reconsideration and/or Clarification of WTA – Advocates for Rural Broadband, NTCA – The Rural Broadband Association, and the National Exchange Carriers Association, Inc. Available at <http://apps.fcc.gov/ecfs/document/view?id=60001039441>.

<sup>2</sup> See ALA comments filed April 18, 2011, *In the Matter of Connect America Fund*, WC Docket 10-90. For example, see p. 2; that in addition to the E-rate, “The ALA supports reform of the high-cost program in a way that enables 21st century networks and build-out that includes libraries...”

(<http://apps.fcc.gov/ecfs/comment/view?id=6016377367>). And ALA comments filed September 8, 2014, *In the Matter of Connect America Fund*, WC Docket 10-90. For example, see p. 4; that in addition to the E-rate, “The Connect America Fund should provide the maximum incentives possible to deploy the infrastructure that will last the longest (is scalable) and will serve libraries’ needs for the longest period of time.”

(<http://apps.fcc.gov/ecfs/comment/view?id=6018329368>).

<sup>3</sup> *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration. See paragraphs 60-76.

by libraries and schools,<sup>4</sup> and (2) offer broadband prices comparable to those established by the FCC as part of its National Broadband Benchmarks.

Most of the Rural Associations' objections allege the Commission did not follow its own administrative rules or not did follow statutory law. For example, their initial issue (see petition, page 2) is that the Commission did not follow proper administrative procedures before adopting the rule that carriers receiving high-cost support bid on library and school E-rate broadband requests. While some of the obligations of the rural carriers required in the *December Order* may not have been referenced in previous E-rate public notices, the Commission did establish broadband requirements for the carriers in its October 2011 *USF/ICC Transformation Order*.<sup>5</sup> Namely, paragraph 86 in the 2011 Order requires recipients of high-cost universal service to offer broadband in their service areas at rates comparable to broadband offered in urban areas. And footnote 164 in the 2011 Order, which references broadband to community anchor institutions (CAIs), again reinforces the need of providers to offer CAIs (e.g., libraries and schools) in rural areas with broadband at rates comparable to CAI rates in urban areas.<sup>6</sup> Considering this record, we are surprised that the rural carriers are surprised that there is reference in the *December Order* on rural broadband requirements when these requirements were articulated over three years previously. ALA also believes that various safeguards the Commission articulated in its *December Order* should help address the Rural Associations' concerns associated with their E-rate program obligations.<sup>7</sup>

ALA does not have the legal resources to address every administrative or legal argument advanced by the petitioner. Rather, we prefer to focus on the broadband needs of libraries (and schools) in small, rural communities and actions the Commission has taken in the *December Order* to help address these needs. ALA strongly agrees with the Commission's statement in its *December Order* (paragraph 65) that "More needs to be done to close the connectivity gap so that schools and libraries in rural, high-cost areas can meet our connectivity goals." We think the following three statistics graphically illustrate the broadband connectivity gap our rural libraries confront and the impediments they face in closing this gap:<sup>8</sup>

- 36.6 percent of rural libraries are at the maximum broadband speed available;
- 62.4 percent of rural libraries want to increase their bandwidth;
- But only 17.6 percent of rural libraries can afford a bandwidth increase.

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<sup>4</sup> In many small communities there is only one provider. If this provider does not bid it limits options for libraries and school seeking broadband services.

<sup>5</sup> *Connect America Fund Report and Order*. Section VI, Public Interest Obligations, subsection B. Broadband Service. Adopted October 27, 2011. ([https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-11-161A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-11-161A1.pdf)).

<sup>6</sup> The Commission expects carriers to "Provide higher bandwidth offerings to community anchor institutions in high-cost areas at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas." This is also referenced in paragraph 61 in the *December Order*.

<sup>7</sup> For example, in paragraph 69 see the reference to implementation timing and in paragraph 70 see reference to insufficient funds.

<sup>8</sup> These percentages are from Figures 8 and 13 in the *2013 Digital Inclusion Survey: Survey Findings and Results*. Published July 21, 2014.

(<http://digitalinclusion.umd.edu/sites/default/files/uploads/2013DigitalInclusionNationalReport.pdf>.)

The actual bandwidth that rural libraries report is also considerably below the standards set by the Commission in its July 2014 E-rate Order. In that order, it adopted ALA recommendations that libraries serving communities of less than 50,000 population have a minimum of 100Mbps. In the 2013 *Digital Inclusion Survey* rural libraries report an average broadband speed of 21.6 Mbps, about one-fifth the recommended minimal speed.<sup>9</sup> While this is the *average* speed, a more meaningful and glaring statistic is that rural libraries report their *median speed is only 6.7Mbps*. This figure indicates that there are many rural libraries with bandwidth in low, single figures. In 2013, nearly one in five (18.6%) rural libraries reported subscribed internet speeds of 1.5 Mbps or less. Nearly 70% report speeds of 10 Mbps or less.<sup>10</sup> As ALA stated in comments filed in September 2014 in the *Connect America Fund* docket:<sup>11</sup>

Unfortunately, most small and rural libraries have broadband connections that lag significantly behind their urban and suburban counterparts—inhibiting their ability to fulfill their public missions and fully serve their communities. As FCC Chairman Tom Wheeler recently noted, 4Mbps is “yesterday’s broadband,” particularly when a single HD video requires 5 Mbps capacity.

In the September 2014 *Connect America Fund* comments, the association recognized possible issues and challenges rural carriers might confront to meet the minimum library broadband benchmark of 100Mbps. Considering this, ALA offered to lower the broadband bandwidth for rural libraries to 50Mbps. It is important to note that this lower figure is intended to be just a *temporary step* (e.g., for only the next two years) to implementing the minimal 100Mbps. We understand that the rural carriers have concerns about how the CAF regulatory language sometimes impedes the support of high-speed broadband connectivity. ALA encourages the Commission to work with rural providers to address these regulatory issues.

The rural carrier’s petition does raise an issue that is also of interest to the library community. That is, how will Commission staff develop the national benchmark on broadband speeds and costs? Questions the petitioner asks—like when will the benchmark be available, will the benchmark be wholly based on urban/suburban rates, will there be regional benchmarks, etc.—are questions that applicants have, as well. Thus, we ask that the Commission direct FCC staff to seek outside input from both the provider and applicant communities on creating the benchmark(s).

In summary, we do not want the legal or procedural issues that the petitioner raises to cause us to lose focus on the critical issue here: our rural libraries serve a critical need in their communities to ensure that all residents have access to the full range of online information and services. But libraries need considerably more bandwidth at affordable costs to meet this need. Thus, we ask the Commission to retain the conditions articulated in its *December Order* that rural providers

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<sup>9</sup> See Figure 5 in the *Survey*.

<sup>10</sup> Comments of the American Library Association in the *Matter of Modernizing the E-rate Program for Schools and Libraries*, WC Docket 13-184, Appendix. Available at <http://apps.fcc.gov/ecfs/comment/view?id=6019155146>.

<sup>11</sup> Comments of the American Library Association in the *Matter of the Connect America Fund*, WC Docket 10-90. Filed September 8, 2014. (<http://apps.fcc.gov/ecfs/document/view?id=7521829604>.)

receiving CAF support be required to bid on library and school E-rate broadband requests, and that the providers offer such broadband at costs similar to national broadband benchmarks in development.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Marijke Visser".

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